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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,611	09/22/2000	Douglas G. Macnair JR.	16356.548 (DC-02456)	1455

27683 7590 05/22/2003

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EXAMINER
CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
2124	7

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	09/668,611	MACNAIR ET AL.	
	Examiner	Art Unit	
	John Q. Chavis	2124	

-- The MAILING DATE of this communication appears on the c ver sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09/22/2000 and 02/11/2002 and 03/05/2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 March 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, and 3-4, 6-8, 10-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Bohannon et al. (6,134,324).

Claims	Bohannon
1. A method comprising: receiving a storage device that includes an image...including a first program and a second program.	See the title and abstract of the invention.
removing the second program from the image on the storage device in response to comparing a first list associated with an order to a second list associated with the image; and	Bohannon does not specifically indicate that a second program is removed; however, he performs a substantially similar function of not enabling access to the file. The feature is substantially similar because just like the removing

	function, it ensures that only authorized files are accessed. This feature is provided in response to comparing a first list (separate configuration file – abstract) inherently to the product list stored on the disk (classes – item 638 of fig. 6B) and the lookup file in col. 6 lines 25-32 and col. 6 lines 56-67.
integrating the first program into an operating system (OS) on the storage device.	See item 658 of fig. 6B.
3. …booting the OS prior to integrating…	This feature is considered inherent to load drivers and software development programs to ensure compatibility with the OS. Therefore, it is also considered inherent in the loading of configuration modules by Bohannon, see col. 6 lines 33-43.
4. …detecting a device…	See col. 14 lines 33-41.
integrating a driver…	See col. 14 lines 42-61.
5. …compacting a portion	This feature is inherent to enable loading of only licensed portions.

In reference to claims 6-7 and 12-13, see the rejection above in view of claim 1. The licensed portions specifically suggests that more than one file or program can be licensed at one time. See also col. 3 lines 15-36 which provides for launching a setup file for license verification, decryption and loading.

As per claim 8, see the rejection of claim 1.

The features of claims 10-11 are taught via claims 4-5.

Claims 14-16 are rejected as claim 13.

As per claims 17-18, the features are considered inherent to ensure that files related files are stored together to enable access, see col. 5 lines 21-41, col. 6 lines 33-43 and col. 7 lines 18-34.

In reference to claim 19, see the rejection of claim 3.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohannon in view of the applicant's choice of design of selecting a specific type of file to be loaded, as taught by Crosswy et al. (5,325,532).

Claims	Bohannon/Crosswy
2. ... the image includes the OS.	Bohannon does not specifically indicate that his image includes an OS; however, it is considered a choice of design to merely select a specific type of file to include to integrate into a current configuration. Bohannon merely indicates that his files are merely licensed products (col. 14 lines 42-61 which are used to configure the site that the files are downloaded to. Crosswy teaches that OS bootable images can be downloaded and updated as necessary, see Crosswy's abstract, background and summary. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to enable Bohannon's system to update or license OS files also to enable updates and patches to new

functionality as it becomes available, as taught by Crosswy to enable modifications to the boot image to be developed and changed without access to the OS kernel, Crosswy col. 4 lines 53-56.

The features of claims 5 and 9 are taught via claim 2.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Chavis whose telephone number is 703-305-9665. The examiner can normally be reached on 8:30 am-5:00 pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3900.

Jqc
May 14, 2003

JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124